

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bruno DE LIGNIERES  
Title: TREATMENT OF  
MASTALGIA WITH 4-  
HYDROXY TAMOXIFEN  
Appl. No.: 10/734,640  
Appl. Filing Date: 12/15/2003  
Examiner: U. Ramachandran  
Art Unit: 1617  
Confirmation Number: 9061

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

[ ] Please enter and consider the amendment and/or reply previously filed on \_\_\_\_.

[ ] Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_ but not considered.

[ ] Please consider the arguments in the Appeal Brief or Reply previously filed on \_\_.

[ ] Other \_\_.

b. Enclosed are:

[ X ] Amendment/Reply.

[ X ] Notice of Improper Request for Continued Examination (RCE).

[ ] Information Disclosure Statement.

[ ] Form PTO/SB/08 with copies of 2 listed reference(s).

[ ] Other .

## Miscellaneous:

[ ] Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_ months.

The filing fee is calculated below:

|  | Claims as Amended | Previously Paid For | Extra Claims Present | Rate              | Fee Totals |
|--|-------------------|---------------------|----------------------|-------------------|------------|
| RCE Fee 1.17(e):                                     |                   |                     |                      | \$810.00          | = \$810.00 |
| Total Claims:  | 20                | -                   | 20 = 0               | x \$50.00         | = \$0.00   |
| Independents   | 1                 | -                   | 3 = 0                | x \$210.00        | = \$0.00   |
| First presentation of any Multiple Dependent Claims: |                   |                     | + \$370.00           | = \$0.00          |            |
|  |                   |                     |                      | CLAIMS FEE TOTAL: | = \$810.00 |

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

|       |   |            |   |          |
|-------|---|------------|---|----------|
| [ X ] | Extension for response filed within the first month:      | \$120.00   | 1 | \$120.00 |
| [ ]   | Extension for response filed within the second month:     | \$460.00   |   | \$0.00   |
| [ ]   | Extension for response filed within the third month:      | \$1,050.00 |   | \$0.00   |
| [ ]   | Extension for response filed within the fourth month:     | \$1,640.00 |   | \$0.00   |
| [ ]   | Extension for response filed within the fifth month:      | \$2,230.00 |   | \$0.00   |
|       | EXTENSION FEE SUBTOTAL:                                   |            |   | \$120.00 |
|       | EXTENSION FEE ALREADY PAID:                               | -          |   | \$0.00   |
|       | EXTENSION FEE TOTAL                                       |            |   | \$120.00 |
|       | CLAIMS AND EXTENSION FEE TOTAL:                           |            |   | \$930.00 |
| [ ]   | Small Entity Fees Apply (subtract ½ of above):            |            |   | \$0.00   |
| [ ]   | Suspension of action requested under 37 C.F.R. § 1.103(c) |            |   | \$0.00   |
|       | TOTAL FEE:  |            |   | \$930.00 |

The filing fee in the amount of \$810.00 for the RCE was previously paid on August 29, 2008. A credit card payment form in the amount of \$120.00 to cover the extension of time fee is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date September 25, 2008

FOLEY & LARDNER LLP  
Customer Number: 22428  
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Facsimile: (202) 672-5399

By Courtenay C. Brinckerhoff

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